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LRB094 04173 RLC 43177 a

1 AMENDMENT TO HOUSE BILL 121

2 AMENDMENT NO. _____. Amend House Bill 121 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-1-2, 3-3-7, 5-6-3, and 5-6-3.1 and by
6 adding Section 5-1-3.5 as follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

8 Sec. 3-1-2. Definitions. (a) "Chief Administrative
9 Officer" means the person designated by the Director to
10 exercise the powers and duties of the Department of Corrections
11 in regard to committed persons within a correctional
12 institution or facility, and includes the superintendent of any
13 juvenile institution or facility.

14 (a-5) "Sex offense" for the purposes of paragraph (16) of
15 subsection (a) of Section 3-3-7, paragraph (10) of subsection
16 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
17 Section 5-6-3.1 only means:

18 (i) A violation of any of the following Sections of the
19 Criminal Code of 1961: 10-7 (aiding and abetting child
20 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
21 luring), 11-6 (indecent solicitation of a child), 11-6.5
22 (indecent solicitation of an adult), 11-15.1 (soliciting
23 for a juvenile prostitute), 11-17.1 (keeping a place of
24 juvenile prostitution), 11-18.1 (patronizing a juvenile

1 prostitute), 11-19.1 (juvenile pimping), 11-19.2
2 (exploitation of a child), 11-20.1 (child pornography),
3 12-14.1 (predatory criminal sexual assault of a child), or
4 12-33 (ritualized abuse of a child). An attempt to commit
5 any of these offenses.

6 (ii) A violation of any of the following Sections of
7 the Criminal Code of 1961: 12-13 (criminal sexual assault),
8 12-14 (aggravated criminal sexual assault), 12-16
9 (aggravated criminal sexual abuse), and subsection (a) of
10 Section 12-15 (criminal sexual abuse). An attempt to commit
11 any of these offenses.

12 (iii) A violation of any of the following Sections of
13 the Criminal Code of 1961 when the defendant is not a
14 parent of the victim:

15 10-1 (kidnapping),

16 10-2 (aggravated kidnapping),

17 10-3 (unlawful restraint),

18 10-3.1 (aggravated unlawful restraint).

19 An attempt to commit any of these offenses.

20 (iv) A violation of any former law of this State
21 substantially equivalent to any offense listed in this
22 subsection (a-5).

23 An offense violating federal law or the law of another
24 state that is substantially equivalent to any offense listed in
25 this subsection (a-5) shall constitute a sex offense for the
26 purpose of this subsection (a-5). A finding or adjudication as
27 a sexually dangerous person under any federal law or law of
28 another state that is substantially equivalent to the Sexually
29 Dangerous Persons Act shall constitute an adjudication for a
30 sex offense for the purposes of this subsection (a-5).

31 (b) "Commitment" means a judicially determined placement
32 in the custody of the Department of Corrections on the basis of
33 delinquency or conviction.

34 (c) "Committed Person" is a person committed to the

1 Department, however a committed person shall not be considered
2 to be an employee of the Department of Corrections for any
3 purpose, including eligibility for a pension, benefits, or any
4 other compensation or rights or privileges which may be
5 provided to employees of the Department.

6 (d) "Correctional Institution or Facility" means any
7 building or part of a building where committed persons are kept
8 in a secured manner.

9 (e) "Department" means the Department of Corrections of
10 this State.

11 (f) "Director" means the Director of the Department of
12 Corrections.

13 (g) "Discharge" means the final termination of a commitment
14 to the Department of Corrections.

15 (h) "Discipline" means the rules and regulations for the
16 maintenance of order and the protection of persons and property
17 within the institutions and facilities of the Department and
18 their enforcement.

19 (i) "Escape" means the intentional and unauthorized
20 absence of a committed person from the custody of the
21 Department.

22 (j) "Furlough" means an authorized leave of absence from
23 the Department of Corrections for a designated purpose and
24 period of time.

25 (k) "Parole" means the conditional and revocable release of
26 a committed person under the supervision of a parole officer.

27 (l) "Prisoner Review Board" means the Board established in
28 Section 3-3-1(a), independent of the Department, to review
29 rules and regulations with respect to good time credits, to
30 hear charges brought by the Department against certain
31 prisoners alleged to have violated Department rules with
32 respect to good time credits, to set release dates for certain
33 prisoners sentenced under the law in effect prior to the
34 effective date of this Amendatory Act of 1977, to hear requests

1 and make recommendations to the Governor with respect to
2 pardon, reprieve or commutation, to set conditions for parole
3 and mandatory supervised release and determine whether
4 violations of those conditions justify revocation of parole or
5 release, and to assume all other functions previously exercised
6 by the Illinois Parole and Pardon Board.

7 (m) Whenever medical treatment, service, counseling, or
8 care is referred to in this Unified Code of Corrections, such
9 term may be construed by the Department or Court, within its
10 discretion, to include treatment, service or counseling by a
11 Christian Science practitioner or nursing care appropriate
12 therewith whenever request therefor is made by a person subject
13 to the provisions of this Act.

14 (n) "Victim" shall have the meaning ascribed to it in
15 subsection (a) of Section 3 of the Bill of Rights for Victims
16 and Witnesses of Violent Crime Act.

17 (Source: P.A. 83-1433; 83-1499.); and

18 on page 3, line 6, by replacing "Section 10 of the Sex Offender
19 Management Board Act," with "subsection (a-5) of Section 3-1-2
20 of this Code, unless the offender is a parent or guardian of
21 the person under 18 years of age present in the home and no
22 non-familial minors are present,"; and

23 on page 6, by inserting below line 10 the following:

24 "(730 ILCS 5/5-1-3.5 new)

25 Sec. 5-1-3.5. Sex offense. "Sex offense" for the purposes
26 of paragraph (16) of subsection (a) of Section 3-3-7, paragraph
27 (10) of subsection (a) of Section 5-6-3, and paragraph (18) of
28 subsection (c) of Section 5-6-3.1 only has the meaning ascribed
29 to it in subsection (a-5) of Section 3-1-2 of this Code."; and

30 on page 8, line 29, by replacing "Section 10 of the Sex

1 Offender Management Board Act," with "subsection (a-5) of
2 Section 3-1-2 of this Code, unless the offender is a parent or
3 guardian of the person under 18 years of age present in the
4 home and no non-familial minors are present,"; and

5 on page 19, lines 7 and 8, by replacing "Section 10 of the Sex
6 Offender Management Board Act," with "subsection (a-5) of
7 Section 3-1-2 of this Code, unless the offender is a parent or
8 guardian of the person under 18 years of age present in the
9 home and no non-familial minors are present,".